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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

HEATHER BOONE and ROXANNE
RIVERA, on behalf of themselves and all
others similarly situated

Plaintiffs,

v.

AMAZON.COM SERVICES, LLC,
Defendant.

Case No. 1:21-cv-00241-DAD-BAM

**JOINT STIPULATION AND
ORDER CONTINUING SCHEDULING
CONFERENCE AND DEADLINES FOR
DEFENDANT'S MOTION FOR
CERTIFICATION OF INTERLOCUTORY
APPEAL**

Pursuant to Rules 143, 144, and 230 of the Local Rules of the United States District Court for the Eastern District of California, Plaintiffs Heather Boone and Roxanne Rivera and Defendant Amazon.com Services LLC (collectively, the “Parties”), by and through their undersigned counsel of record, hereby stipulate and request as follows:

WHEREAS, the Court issued an order granting in part and denying in part Defendant’s Motion to Dismiss. (Dkt. 39).

WHEREAS, Defendant filed its Answer on April 11, 2022. (Dkt. 43).

WHEREAS, the Parties have not yet commenced formal discovery.

WHEREAS, Defendant filed a Motion for Certification of Interlocutory Appeal under 28 U.S.C. § 1292(b) on April 11, 2022. (Dkt. 44).

WHEREAS, Plaintiffs’ deadline to file an opposition to the Motion is May 3, 2022, Defendant’s deadline to file a reply in support of the Motion is May 10, 2022, and hearing on the Motion is noticed for May 17, 2022.

WHEREAS, the initial scheduling conference was calendared for April 12, 2022.

WHEREAS, the Parties have agreed to mediate this action on September 8, 2022.

WHEREAS, the mediation may resolve this action in full.

WHEREAS, it would conserve the Court’s and the Parties’ time and resources to continue the briefing and hearing of the Motion until after the Parties’ mediation.

WHEREAS, it also would conserve the Court’s and the Parties’ time and resources to continue the scheduling conference until after the Parties’ mediation.

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1 THEREFORE, IT IS STIPULATED AND REQUESTED THAT, by and between the
2 undersigned counsel, and subject to the Court's approval: (1) the initial scheduling conference is
3 continued to October 12, 2022 at 8:30 AM before Magistrate Judge Barbara A. McAuliffe; (2) the
4 Parties shall file a Joint Scheduling Report one week prior to the conference; (3) Plaintiffs' deadline to
5 file their opposition to Defendant's Motion for Certification of Interlocutory Appeal is continued to
6 October 10, 2022; (4) Defendant's deadline to file its reply in support of its Motion for Certification of
7 Interlocutory Appeal is continued to October 24, 2022; (5) the hearing date for Defendant's Motion for
8 Certification of Interlocutory Appeal is continued to November 1, 2022 at 9:30 AM; and (6) all other
9 motion and formal discovery deadlines, including the deadline to serve initial disclosures, are continued
10 until after the initial scheduling conference on October 12, 2022 at 8:30 AM and shall be addressed in
11 the Parties' Joint Scheduling Report.

12
13 Dated: April 14, 2022

HODGES & FOTY, LLP

By: /s/ Don J. Foty

Don J. Foty (admitted *pro hac vice*)

David W. Hodges (admitted *pro hac vice*)

*Attorneys for Plaintiffs Heather Boone
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By: /s/ Bradley J. Hamburger

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Katherine V.A. Smith

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Andrew G.I. Kilberg (admitted *pro hac vice*)

Attorneys for Defendant Amazon.com Services LLC

ORDER

Pursuant to the parties' stipulation, and good cause appearing, the request to continue the scheduling conference and deadlines for briefing Defendant's Motion for Certification of Interlocutory Appeal is GRANTED. The initial scheduling conference is continued to **October 12, 2022, at 8:30 AM before Magistrate Judge Barbara A. McAuliffe**. The Parties shall file a Joint Scheduling Report one week prior to the conference.

Plaintiffs' deadline to file their opposition to Defendant's Motion for Certification of Interlocutory Appeal is continued to October 10, 2022. Defendant's deadline to file its reply in support of its Motion for Certification of Interlocutory Appeal is continued to October 24, 2022. The motion hearing set for May 17, 2022, at 9:30 AM in Courtroom 5 (DAD) is VACATED. At this time, in light of the briefing schedule, and in accordance with the Amended Standing Order in Light of Ongoing Judicial Emergency in the Eastern District of California, (Doc. 4-2), a continued hearing date will not be set.

All other motion and formal discovery deadlines, including the deadline to serve initial disclosures, are continued until after the initial scheduling conference on October 12, 2022, and shall be addressed in the Parties' Joint Scheduling Report. The Status Conference set for **July 12, 2022**, remains as calendared before the undersigned.

IT IS SO ORDERED.

Dated: April 14, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE